

**Court of Appeals, State of Michigan****ORDER**

People of MI v Brian David Johnson

Docket No. 283124

LC No. 07-005879

Jane E. Markey  
Presiding Judge

William B. Murphy

Richard A. Bandstra  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court REMANDS this matter to the trial court and the trial court shall determine whether the sentencing information report should be scored to reflect a sentencing guidelines recommended minimum sentence range of 87 to 145 months or of 99 to 160 months. If the trial court determines that the correct recommended sentence range is the former range, then the court shall enter a corrected SIR. If, however, the trial court determines that the latter range is the correct range, then defendant's sentence reflects a downward departure from the guidelines recommendation and the trial court must place on the record its substantial and compelling reasons to depart from the recommendation. MCL 769.34(3); *People v Buehler*, 477 Mich 18, 24; 727 NW2d 127 (2007). This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 21 2008

Date

  
Chief Clerk